

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN PROKOP,)	
)	
Plaintiff)	Civil Action No. 05-34
)	Judge Donetta W. Ambrose/
v.)	Magistrate Judge Sensenich
)	Re: Docs. No. 4, 9
JAMES A. DENMAN, et al.,)	
)	
Defendants)	

MEMORANDUM ORDER

On January 18, 2005, this case was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 71.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on December 2, 2005, recommended that the Rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction filed by Defendants be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on all parties. Objections to the report and recommendation were filed by Plaintiff on December 16, 2005. After de novo review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 29th day of Dec., 2005;

IT IS HEREBY ORDERED that the Rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction filed by Defendants is granted.

IT IS FURTHER ORDERED that the Motion to Expedite and the Motion to Confirm Arbitration Award filed by Defendants (Document No. 9) are dismissed as moot.

The report and recommendation of Magistrate Judge Sensenich, dated December 2, 2005, is adopted as the opinion of the court.



Donetta W. Ambrose, Chief Judge
United States District Court

cc: Ila Jeanne Sensenich
U.S. Magistrate Judge

J. Alan Johnson, Esq.
Johnson & Eddy
1720 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

Patrick M. McLaughlin, Esq.
Dennis P. Zapka, Esq.
Adrienne B. Kirshner, Esq.
McLaughlin & McCaffrey
1111 Superior Avenue, Suite 1350
Cleveland, OH 44114

Joel A. Goodman, Esq.
Goodman & Nekvasil
14020 Roosevelt Blvd., Suite 808
Clearwater, FL 33762